

REMARKS:

This amendment is for the purpose of amending the Specification in the original application by canceling claims 3, 8, 9 and 10 without prejudice to Applicants' rights to file divisional claims on the matter contained therein and amending claims 1, 4, 13 and 16 - 19 so that claims 1, 2, 4 through 7 and 11 - 20 remain in this application.

The Official Action objects to claims 1, 8 - 10, 13 and 17 because of informalities. Specifically, in claims 1 and 13, line 6 of each the Examiner suggests removing the word "said" before the word "projectile;" in claim 8, line 1, the Examiner suggests removing the word "at" before the word "launching;" in claims 9 - 10, line 1 of each, the Examiner suggests inserting the word "at" before the word "least" and in claim 17, line 2, the Examiner suggests removing the article "a" before the word "trip." Applicants greatly appreciate the Examiner's attention to detail and also greatly appreciate the Examiner's suggested changes. Accordingly, Applicants have amended claims 1, 13 and 17 and have canceled claims 8 - 10 and to overcome the objections to the language contained therein. Applicants believe that by canceling claims 8 - 10 and making the above amendments to claims 1, 13 and 17, the claims are put in better condition for allowance and therefore respectfully request reconsideration and allowance thereof.

The Official Action rejects claims 1 - 20 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Specifically, claim 1 recites the limitations "the ends" in line 4 and "said ends" in line 5. There is insufficient antecedent basis for these limitations in the claims, however, the Examiner kindly suggests removing the article "the" before the first use of the word "ends" which will establish antecedent basis for the second recitation. Therefore, Applicants have further amended claim 1 by removing the article "the" before the first occurrence of the word "ends" thus establishing antecedent basis for the second occurrence. Applicants believe that claim 1 has been put in better condition for allowance and respectfully request reconsideration and allowance thereof.

Likewise, claim 3 recites the limitation "the ends" in line 3 which has insufficient antecedent basis in the claim. Applicants have canceled claim 3 thus removing the basis for the rejection. Applicants believe that the remaining claims are now in better condition for allowance and respectfully request reconsideration and allowance thereof.

Also, claim 8 recites of the limitations "said latch plate" in line 2 and "said closure" in lines 2 and 3 without antecedent basis for those limitations. Applicants have canceled claim 8 thus

removing the basis for the rejection. Applicants believe that the remaining claims are now in better condition for allowance and respectfully request reconsideration and allowance thereof.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as it has been held that a functional statement does not define any structure and accordingly cannot serve to distinguish. Applicants have canceled claim 9 and 10 thus removing the basis for the rejection. Applicants believe that the remaining claims are now in better condition for allowance and respectfully request reconsideration and allowance thereof.

Claim 12 recites the limitation "said ends" in line 2 wherein there is insufficient antecedent basis for this limitation in the claim. Applicants believe that proper antecedent basis for the limitation "said ends" was established by the amendments to claim 1 wherein proper antecedent basis was established by removing the word "the" before the first occurrence of the word "ends" as kindly suggested by the Examiner. Therefore, Applicants believe that claim 12 now stands in proper form and respectfully request reconsideration allowance thereof.

In a similar manner, claim 13 recites the limitation "the ends" in line 4 and "said movable members" in line 7 wherein antecedent basis for these limitations has not been properly established. Applicants have amended claim 13 by removing the word "the" before the word "ends" thus establishing antecedent basis for subsequent use of the word "ends" in claim 13 and claims depending therefrom. Antecedent basis for "said movable members" should refer instead to "said movable member" as only one member is movable in claim 13. Accordingly, Applicants have further amended claim 13 by deleting the word "members" and inserting the word "member" in the place thereof thus also providing antecedent basis for subsequent use of the recitation "movable member" in claim 13 and dependent claims. Applicants believe that these amendments have put claim 13 in condition for allowance and respectfully request reconsideration and allowance thereof.

In claim 16, the limitation "the ends" in line 5 has insufficient antecedent basis. Applicants have amended claim 16 by removing the word "the" before the word "ends" in the same manner as with independent claims 1 and 13 according to the Examiner's kind suggestion with regard to claims 1 and 13. Therefore, Applicants believe that claim 16 has been put in condition for allowance and respectfully request reconsideration of allowance thereof.

The Official Action further rejects claims 17 and 18 under 35 U.S.C. 112, second paragraph, as having the limitation "said anti-personnel devices" in lines 1 and 2, claim 18 further including the word "all" after the word "said," these recitations having insufficient antecedent basis.

Applicants have amended claims 17 through 19 by deleting the recitation "array of," as the independent claim 16 recites an "anti-personnel device" thus making the dependent claims consistent with the independent claim. Applicants have further amended claim 18 by deleting the recitation "all anti-personnel devices" inserting in place thereof the recitation "launching mechanisms," antecedent basis for "launching mechanisms" having established been in independent claim 16 from which claims 17 through 19 depend. In addition, Applicants have amended claim of 19 by deleting the recitation "anti-personnel devices" inserting in place thereof the recitation "launching mechanisms" to be consistent with the established antecedent basis in independent claim 16. Applicants thus believe that claims 17 through 19 are put in condition for allowance and respectfully request reconsideration allowance thereof.

The Official Action rejects claims 1, 2 and 8 under 35 U.S.C. 102(b) as being anticipated by So, U. S. Patent 6,487,991 B2. Applicants have amended claim 1 by incorporating language from claim 8 and claim 3 to define structure which is not found in the patent to So. Specifically, So does not describe a cover for the enclosure wherein the latch plate is affixed to be cover of the enclosure. Thus, Applicants have distinguished over U. S. Patent 6,487,991 B2 issued to So and therefore believe that claim 1 has been put in condition for allowance. Claim 2 is dependent upon claim 1, now believed by Applicants to be allowable, and as claim 2 restricts the scope of independent claim 1, Applicants believe that claim 2 is allowable with claim 1. As Applicants have amended claim 1 and canceled claim 8 without prejudice to Applicants' right to file continuing applications on the matter contained therein, Applicants believe the rejection of claims 1, 2 and 8 based on 35 U.S.C. 102(b) has been overcome and respectfully request reconsideration and allowance of claims 1 and 2 and the other claims remaining in this application.

The Official Action rejects claims 3 - 4, 6 - 7, 11 - 16 and 18 - 20 under 35 U.S.C. 103(a) as being unpatentable over So, U. S. Patent 6,487,991 B2 as applied above. Applicants previously amended claim 1 to distinguish over the So patent and believe that by incorporating language from claim 3 and claim 8 into claim 1, the rejection of the claims pending from claim 1 in the instant invention has been overcome. Applicants have canceled claims 3 and 8 and amended claim 4 and therefore believe that claims 4, 6 and 7 are now in condition for allowance and respectfully request reconsideration of allowance thereof. In a manner similar to the amendment to claim 1, Applicants have amended independent claims 13 and 16 to recite that the launching mechanism is affixed to a mounting base of an enclosure and that the latch plate overlies the

movable member to distinguish over the So patent. Applicants have further amended claims 18 through 19 to remove the informalities contained therein and as dependent claims 14, 15 depending from independent claim 13 and claims 18 through 20 depending from independent claim 16 merely limit the scope of those independent claims. Applicants believe that the dependent claims are allowable with the amended independent claims. Applicants thus believe that the rejection of claims 3 - 4, 6 - 7, 11 - 16 and 18 - 20 has been overcome and respectfully request reconsideration of allowance thereof. Applicants further request the Examiner's assistance in making these claims allowable should the Examiner continue to assert the So patent against these claims.

The Official Action rejects claims 8 and 9 under 35 U.S.C. 103(a) as being unpatentable over So, U. S. Patent 6,487,991 B2 in view of Martin, U. S. Patent 2,974,954. Applicants have canceled claims 8 and 9 and therefore have rendered moot the rejection thereof as being unpatentable over So in view of Martin. Applicants respectfully request reconsideration and allowance of the claims remaining in this application.

The Official Action rejects claims 5 and 17 under 35 U.S.C. 103(a) as being unpatentable over So, U. S. Patent 6,487,991 B2 in view of Engeli, U. S. Patent 3,831,521. As Applicants have overcome the rejection of the independent claims 1, 13 and 16 as unpatentable over So, Applicants believe that the claims pending therefrom are allowable with the independent claims because claims 5 and 17 merely limit the scope of the independent claims from which they pend. Applicants respectfully request reconsideration and allowance of claims 5 and 17 however, should the Examiner persist in rejecting claims 5 and 17, Applicants respectfully request the Examiner's assistance in making the claims allowable.

Applicants are greatly appreciative of the Examiner's prompt action in the examination of this docket and also greatly appreciative of the art made of record not relied upon as kindly provided by the Examiner.

Applicants have amended claim 1, canceled claims 8 - 10 and amended claims 13 and 17 to remove the objections to these claims. Applicants have further amended claims 1, 4, 13 and 16 through 19 and canceled claims 3 and 8 through 10 to overcome the rejection of claims 1 through 20 under 35 U.S.C. 112, second paragraph. Applicants have distinguished over So by amending independent claim 1 and canceling claim 8 to overcome the Examiner's rejection of claim 20 based on 35USC102(b). Finally, Applicants have amended claims 4, 13, 16, and 18 through 19 to overcome the rejection of claims 3, 4, 6, 7, 11 – and 16 and 18 – 20 based upon 35 U.S.C. 103 (a)

as unpatentable over So thereby placing this application in condition for allowance. Thus, claims 1 - 2, 4 - 7 and 11 - 20 remain in this application and Applicants respectfully request allowance thereof.

In view of the above, an Action on the merits of this application, as amended, and an allowance thereof is respectfully requested.

Respectfully submitted,

Gene D. Burdette and Jon P. Burdette

Joint Inventors

By 
Richard L. Marsh, Agent
Registration No. 31,637
4116 E. Latoka
Springfield, Missouri 65809

Date: 21 May 2004
Phone: (417) 887-8441
(417) 887-3731 (home)
Fax: (417) 887-8441